

TOWN OF NORTH HEMPSTEAD COMMUNITY DEVELOPMENT AGENCY

**Minutes of
REGULAR MEETING**

April 22, 2010

7:30 PM

Call to Order

The meeting was called to order by Mr. Bailey, Acting Chair, at 8:08 p.m.

Attendance

Members of the Agency in attendance were:

Lamont R. Bailey

Albert E. Handy

Christopher A. Gioia

Members of the Agency who were absent were:

Rodney A. Caines

Agency staff present consisted of:

Neville G. Mullings, Executive Director

Joseph Santamaria, Assistant Director

Patrice P. Allen, Administrative Assistant

Andrew M. Hyman, In-house Counsel

Minutes of Meeting Held on March 25, 2010

Upon the motion of Mr. Handy seconded by Mr. Gioia, the minutes of the meeting held March 25, 2010 were accepted.

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Executive Director's Report

The Executive Director's Report consisted of the following:

Community Development Block Grant ("CDBG") Program

The 36th Program Year application was delivered to the Nassau County Office of Housing and Intergovernmental Affairs ("OHIA") on April 13, 2010. Concerns regarding the Agency's spend down requirements were addressed in a detailed memorandum to OHIA outlining proposed disbursements. The Agency's chart of account balance remains unchanged from a report of April 8, 2010 prepared by OHIA because a drawdown with the County has not been paid.

New Cassel Urban Renewal Plan

Mr. Mullings presented the following report:

On April 10, 2010 Mr. Mullings was a panel member at a community public meeting hosted by Councilwoman Viviana Russell at the Park Avenue School in Westbury, New York. He spoke on the residential rehabilitation program. Ms. Allen was also in attendance and distributed information on the program.

A closing was held on a mortgage modification for the New Cassel Properties project, resulting in the payment of \$50,000 to the Agency's Program Income account. Mr. Mullings thanked Mr. Hyman for getting the work done.

Site C - City National Bank will not be able to open a branch in New Cassel. Its application to open a branch, approved by the US Comptroller of the Currency, has expired, and a renewal application must comply with additional requirements, such as additional capital, a repayment schedule for Troubled Asset Relief Fund funding. The bank's board of directors is reluctant to expand at this time, and is seeking to avoid their lease for retail space at Site C. Mr. Mullings plans to speak to the Port Washington Federal Credit Union about opening a branch in New Cassel.

Site H (Pilot Project) – Discussions regarding the modification of the mortgage for this development are ongoing. Banco Popular has agreed to keep the affordability requirements of the development and is looking at various options to get the construction loan repaid.

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Status of Other Redevelopment Sites

Mr. Santamaria delivered the following report on the status of the Agency's other development sites:

Site A – The 57 apartments are 100% occupied. On the commercial space, the developer awaits the return of leases for a daycare center of 8,000 square feet, a beauty salon of 10,000 square feet, a pizzeria/restaurant of 4,000 square feet, and a Caribbean restaurant of 1,800 square feet. The developer continues to seek prospective tenants for approximately 5,000 square feet. A dental office is open for business.

Site B - Work resumed in November 2009 is slightly behind schedule. Approximately 10% of the work provided for under the new contract is complete. Completion is expected in August 2010.

Site C - Work resumed in November 2009 is slightly behind schedule. Approximately 32% of for under the new contract is complete. Completion is expected in August 2010.

Prospect Avenue Parking Area & 714 Prospect Avenue – At 714 Prospect Avenue, the Agency awaits the disconnection of water that will take 5 weeks. The disconnection of electrical and gas service will be done within a week. Thereafter, the Highway Department will demolish the building and start construction of the remainder of the parking lot.

Prospect Avenue Streetscape Redesign and Reconstruction – Work continues on the north side of Prospect Avenue, which will continue for a few more weeks. The work includes curb cuts, sidewalks, and bulb outs. The Westbury Water District and National Grid are upgrading their systems along Prospect Avenue in conjunction with this work. Mr. Gioia inquired about the safety issues regarding the drop off of children at Site A. Mr Santamaria will seek information on the status and outcome of the applicant's appeal before the Town of North Hempstead Board of Zoning Appeals.

Community Center – Work continues on construction documents for the publication of bid documents in early to mid May of 2010. Awarding of the construction contract is expected during July 2010 and work is scheduled to start in the Fall of 2010. Mr. Hyman indicated that

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he anticipates a closing on the purchase of the property and transfer of title from the Agency to the Town in another month.

Operations:

- The audit of the Agency's 2009 financial statements and operations by Toski, Schaefer & Company is complete and a presentation will be made to the Board at the next meeting.

Cash Balances:

- Citibank –Lump Sum Account- \$673,567.69
- State Bank of Long Island - Program Income Account - \$763,891.13
- Citibank –Escrow Account - \$50,884

Upon the motion of Mr. Handy, duly seconded by Mr. Gioia, the Executive Director's Report (including Mr. Santamaria's status report) was accepted and approved unanimously.

Old Business:

Site E – Mr. Mullings updated the board on recent conversations with Unified New Cassel Community Revitalization Corporation ("UNCCRC") and The Sheldrake Organization, including Chris Daley, principal of Sheldrake, and Don Campbell, its consultant. Mr. Mullings reported that he has not received any commitment letter or contract financing the proposed development. The members of the Agency instructed Mr. Hyman to send a letter to Mr. Daley and Bishop Harvey confirming that the joint partnership has been automatically de designated as the developer of Site E pursuant to Resolution No. 18 (2010), adopted at the March 25, 2010 meeting of the Agency's members. The Board also agreed not to make any decision on the further development on this site at this meeting.

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For Consideration

RESOLUTION NO. 19 (2010)

A RESOLUTION AUTHORIZING THE AGENCY TO EXECUTE A CONTRACT FOR REMOVAL OF A WATER AND SEWER HOUSE-LINE AT 714 PROSPECT AVENUE, WESTBURY, NEW YORK.

WHEREAS, the Town of North Hempstead Community Development Agency (the “Agency”) is the owner of real property, including a single-family dwelling (the “Improvement”), located at 714 Prospect Avenue, Westbury, New York, identified on the Nassau County Land and Tax Map as Section 11, Block 91, Lot 51 (the “Premises”); and

WHEREAS, the Agency is also the owner of real property located at 706 Prospect Avenue, identified on the Map as Section 11, Block 91, Lots 48-50, which it has improved as a public parking field in connection with the commercial revitalization of Prospect Avenue in Westbury, New York (the “Public Parking Field”); and

WHEREAS, the Agency wishes to expand the Public Parking Field by demolishing the Improvement, and regarding and paving the Premises; and

WHEREAS, prior to demolishing the Improvement, the Agency must remove from the Improvement the water and sewer house-line from the street main to the foundation wall of the Improvement (“Work”); and

WHEREAS, Agency staff has received proposals for the Work from the following proposers in the following amounts:

J. De Lucia Plumbing & Heating, Inc. \$ 6,300

Rudco Plumbing and Heating Contractors \$11,735

Orchid Sew and Water Contracting Corp. \$ 5,800; and

WHEREAS, Orchid Sew and Water Contracting Corp. of 11 Dennis Street, Garden City Park, New York 11040 (the “Contractor”) has received a “good contractor” reference

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from representatives of the City of Glen Cove and the Westbury Water and Sewer District, and the Nassau County Office of Consumer Affairs has indicated that it has received no complaints in the past six years against the Contractor; and

WHEREAS, Agency staff has recommended to the Members that, based upon the foregoing, that they find that the Contractor is the lowest responsible bidder for the Work, and they execute a construction contract with the Contractor for the undertaking and completion of the Project in consideration of the payment of no more than \$5,800 (the “Staff Recommendation”); and

WHEREAS, the Members wish to authorize and adopt the Staff Recommendation.

NOW, THEREFORE, BE IT

RESOLVED, that the Members wish to authorize and adopt the Staff Recommendation; and it is further

RESOLVED, that the Executive Director of the Agency and any officer thereof are hereby authorized to execute such instruments and documents and to take such other action as may be necessary to carry out the foregoing.

Upon the motion of Mr. Handy, seconded by Mr. Gioia, the resolution was unanimously adopted.

RESOLUTION NO. 20 (2010)

A RESOLUTION AUTHORIZING THE MAKING OF A CONDITIONAL GRANT FOR THE REHABILITATION OF 21 ELTON STREET, WESTBURY, NEW YORK.

WHEREAS, pursuant to Resolution No. 14 (2010), duly adopted at their meeting held on February 18, 2010, the members (“Members”) of the Town of North Hempstead Community Development Agency (the “Agency”) authorized the making of a Residential Rehabilitation Program (the “Program”) emergency grant (the “Emergency Grant”) to Ms. Willa Mae Garr (the “Owner”) of 21 Elton Street, Westbury, New York, identified on the Nassau County Land

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and Tax Map as Section 10, Block 240, Lot 11 (the "Premises"), for the replacement of a nonworking boiler (the "Emergency Work"); and

WHEREAS, \$4,860 was expended to undertake and complete the Emergency Work; and

WHEREAS, the Owner has applied to the Agency for Program financial assistance for the correction of existing conditions, including, without limitation, the (i) replacement of the roof system, defective soffits areas, gutters, leaders, storm door, entry door, handsets, electric outlets, light switches, light fixtures, chair rail, exhaust fan, counter, sink, backsplash, faucet and radiator cover, (ii) repair of the stoop, walkway, railings, various wall and ceiling and door areas, (iii) abandonment of a below ground oil tank and (iv) installation of electric smoke detectors and electric safety outlets (the "Project"), as more particularly stated in the summary attached hereto (the "Case Summary"); and

WHEREAS, Agency staff has determined that the Owner and the Project meet the eligibility criteria for Program assistance, and qualify for funding in the form of a loan in the maximum sum of \$13,322, secured by a mortgage against the Premises, and which, on terms and conditions established by the Agency, converts to a grant after five (5) years (a "Conditional Grant"); and

WHEREAS, the Agency has overseen the Owner's bidding and selection of the construction contract for the Project, and approves the Owner's procurement of Sydmac Properties, Inc. as construction contractor for the Project (the "Contractor"); and

WHEREAS, Agency staff has recommended to the Members that, based upon the Case Summary, they authorize the making of a Conditional Grant to carry out the Project, and the procurement of the Contractor for the undertaking and completion of the Project (the "Staff Recommendation"); and

WHEREAS, the Members wish to authorize and adopt the Staff Recommendation.

NOW, THEREFORE, BE IT

RESOLVED, that the Members wish to authorize and adopt the Staff Recommendation; and it is further

RESOLVED, that the Executive Director of the Agency and any officer thereof are hereby authorized to execute such instruments and documents and to take such other

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action as may be necessary to carry out the foregoing.

Upon the resolution of Mr. Handy, duly seconded by Mr. Gioia, the resolution was unanimously adopted.

RESOLUTION NO. 21 (2010) (Amended)

**A RESOLUTION AUTHORIZING THE MAKING OF A CONDITIONAL
GRANT FOR THE REHABILITATION OF 247 GRAND STREET,
WESTBURY, NEW YORK.**

WHEREAS, the Town of North Hempstead Community Development Agency (the “Agency”) has received an application from Ms. Gearldean Paige (the “Owner”) of 247 Grand Street, Westbury, New York, identified on the Nassau County Land and Tax Map as Section 10, Block 21, Lot 73 (the “Premises”), for Residential Rehabilitation Program (the “Program”) financial assistance for the correction of existing conditions, including, without limitation, the (i) replacement of gutters, leaders, fascia trim, entry doors, storm doors, windows, exhaust fan, ceiling fan, sink and faucet (ii) addressing of lead based paint, (iii) installation of a chimney cap, stoop railing, range hood, bathroom tub/wall/ceiling surround, safety outlets, sink light, smoke detectors and carbon monoxide detectors, (iv) repair of bathroom water closet, floor and tile around water closet, along with the restoration of grout, (v) demolition of deteriorated garage additions, (vi) restoration of disturbed original construction, (vii) installation of siding and overhead door on original garage structure, (viii) demolition of unpermitted cellar improvements, and (ix) replacement of driveway (the “Project”), as more particularly stated in the summary attached hereto (the “Case Summary”); and

WHEREAS, Agency staff has determined that the Owner and the Project meet the eligibility criteria for Program assistance, and qualify for funding in the form of a loan in the maximum sum of \$37,172, secured by a mortgage against the Premises, and which, on terms and conditions established by the Agency, converts to a grant after five (5) years (a “Conditional Grant”); and

WHEREAS, the Agency has overseen the Owner’s bidding and selection of the construction contract for the Project, and approves the Owner’s procurement of Sydmac Properties, Inc. as construction contractor for the Project (the “Contractor”); and

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WHEREAS, Agency staff has recommended to the members of the Agency (the “Members”) that, based upon the Case Summary, they authorize the making of a Conditional Grant to carry out the Project, and the procurement of the Contractor for the undertaking and completion of the Project (the “Staff Recommendation”); and

WHEREAS, the Members wish to authorize and adopt the Staff Recommendation.

NOW, THEREFORE, BE IT

RESOLVED, that the Members wish to authorize and adopt the Staff Recommendation; and it is further

RESOLVED, that the Executive Director of the Agency and any officer thereof are hereby authorized to execute such instruments and documents and to take such other action as may be necessary to carry out the foregoing.

Upon the resolution of Mr. Handy, duly seconded by Mr. Gioia, the resolution, as amended, was unanimously adopted.

Adjournment

Upon the motion of Mr. Handy, seconded by Mr. Gioia, the members of the Agency, by unanimous vote, adjourned the meeting at 9:09 p.m.